IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 123 of 1999

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AMADBHAI JUSABBHAI GHANCHI

Versus

DHANJIBHAI VIRJIBHAI LIMBAD

Appearance:

MR SB BRAHMBHATT for Petitioner

MR JS PARMAR for Respondent No. 1

MR SURESH M SHAH for Respondent No. 1

MR MEHUL S SHAH for Respondent No. 1

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 23/12/2002

ORAL JUDGEMENT

1. This is a revision under section 115 of the Code of Civil Procedure, which has been amended by the Code of Civil Procedure (Amendment) Act, 1999.

2. The present applicants are original defendants whereas the respondent is the original plaintiff. The

respondent plaintiff had filed a civil suit against the present applicant, wherein the plaintiff had also filed an application for interim injunction being Exh.5 in the suit. The trial court rejected the said injunction application and therefore the respondent-plaintiff preferred an appeal under Order 43, Rule 1, CPC, before the District Court, Rajkot, which allowed the said appeal, and granted the interim injunction pending the final disposal of the suit in favour of the respondent-plaintiff. Hence the present revision by the original defendants.

3. It is obvious that by virtue of the amendment in section 115 of the CPC, effected by the aforesaid Amendment Act of 1999, the present revision application is not maintainable. This revision is, therefore, dismissed. Rule is discharged with no order as to costs. Interim relief stands vacated.

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